

REMARKS

Claims 19, 22, 23, 26-29, 33, 60 and 61 are now pending. By this Amendment, claims 22, 23, 27 and 29 are amended and claim 62 is canceled.

Applicants thank Examiner Martinell for the courtesies extended during the January 18, 2006 personal interview. Applicants separate record of the substance of the interview is incorporated into the following remarks.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. Claims 22 and 23 are merely amended as suggested in the interview. Claim 27 is merely amended to recite the features of canceled claim 62, which is indicated to be allowable. Claim 29 is merely amended to clarify the claim. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Applicants appreciate the indication that claims 22, 23 and 62 are merely objected to for being dependent upon a rejected base claim, but that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons discussed herein, it is respectfully submitted that all of the claims are in condition for allowance.

I. Restriction Requirement

Claim 33 is withdrawn from consideration. However, it is respectfully submitted that claim 33 does have unity of invention with the elected claims. In particular, as pointed out in the Amendment filed June 21, 2005, the unity of invention examples in the Administrative

Instructions under the PCT indicate, in Example 17, that unity of invention exists between protein X and DNA sequence encoding protein X. In particular, the example indicates that "[t]he protein and the DNA sequence exhibit corresponding special technical features," such that unity of invention is accepted. In the present case, there are clearly corresponding special technical features and therefore unity of invention between the polypeptide of claim 19 and the nucleotide fragment of claim 33, which encodes the polypeptide of claim 19. Therefore, it is respectfully submitted that unity of invention exists between claims 19 and 33. Therefore, claim 33 should be rejoined and considered in the present application.

II. Information Disclosure Statements

Information Disclosure Statements (IDSs) were filed in the above-identified application on June 4, 2002, and June 11, 2002. It is Applicants understanding that these IDSs are not in the Patent Office file for this application. Therefore, the IDSs are being resubmitted herewith with the attached Request for Acknowledgement of Consideration of Disclosed Information. The Examiner is respectfully requested to consider the references cited therein.

III. Clarification of Previous Remarks

As noted in the Office Action, each of Figs. 1-3, as amended in the Amendment filed June 21, 2005, contains a single amino acid sequence. The remarks included in the Amendment filed June 21, 2005, did not indicate otherwise. Instead, these remarks indicated that "Figs. 1-3 are amended herein in order to delete the nucleotide sequences therein" (emphasis added). There is no indication that the amino acid sequences in these figures were being deleted. As noted in the present Office Action, "the specification has been amended to include SEQ ID NOs in the Brief Description of the Drawings in reference to Figures 1-3." Thus, Applicants agree that there is no reason to object to the drawings.

IV. Section 112 Rejection

Claims 27, 29 and 61 are rejected under 35 U.S.C. §112, second paragraph.

Applicants respectfully traverse the rejection.

Claim 27 is amended herein in order to delete the allegedly unclear recitation. In addition, claim 29 is amended herein to change the recitation "specific for" to "that specifically binds to." It is respectfully submitted that one of ordinary skill in the art would understand the recitation of a ligand that specifically binds to a particular polypeptide. Thus, it is respectfully submitted that this claim clearly recites the invention.

Claims 27, 29 and 61 clearly recite the invention. Therefore, the rejection of these claims under 35 U.S.C. §112, second paragraph, should be reconsidered and withdrawn.

V. Art Rejections

Claim 19 is rejected under 35 U.S.C. §102 over Xie et al. Applicants respectfully traverse the rejection.

Claim 19 is directed to a polypeptide comprising at least one fragment of SEQ ID NO: 9, wherein the fragment comprises SEQ ID NO: 68 and/or SEQ ID NO: 72. As agreed in the interview, the sequence described in Xie does not contain SEQ ID NO: 68, nor does it contain SEQ ID NO: 72. Therefore the §102 rejection should be reconsidered and withdrawn.

Claims 26, 28, 29, 60 and 61 are rejected under 35 U.S.C. §103 over Xie in view of Li et al. Applicants respectfully traverse the rejection.

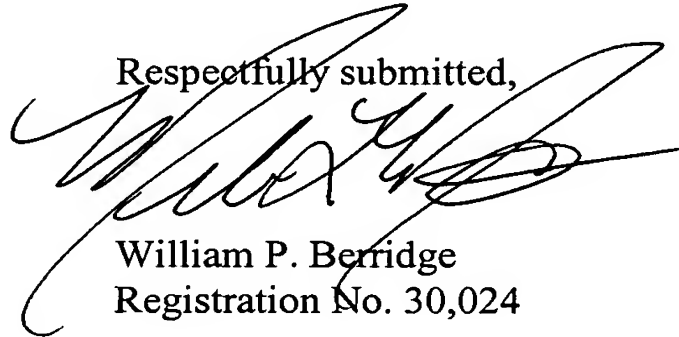
Method claims 26, 28, 29, 60 and 61 depend from claim 19. Xie does not teach the polypeptide of claim 19 for at least the reasons discussed above. In addition, Li does not overcome the deficiencies of Xie. Therefore, as agreed in the interview, the §103 rejection should be withdrawn.

VI. Closing

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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